

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1379.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF KINTHO BEAUTY CREAM.

On September 25, 1911, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of 155 jars of "Kintho Beauty Cream" and 371 jars of the same product in the possession of the Mansur Drug Co., Noyes Bros. & Cutler, The Golden Rule (Inc.), the Minneapolis Drug Co. (Inc.), and the Powers Mercantile Co. (Inc.), as follows: 24 large and 60 small jars in the possession of the Mansur Drug Co., St. Paul, Minn.; 45 large and 8 small jars in the possession of Noyes Bros. & Cutler, St. Paul, Minn.; 18 small jars in the possession of the Golden Rule (Inc.), St. Paul, Minn.; 41 large and 208 small jars in the possession of the Minneapolis Drug Co., Minneapolis, Minn.; and 122 small jars in the possession of the Powers Mercantile Co., Minneapolis, Minn. The small jars of said product were labeled: (On top of jar) "Kintho Beauty Cream." (On label around jar) "Kintho Mfg. Co. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial Number 5539." (On bottom of jar) "Kintho Beauty Cream—For removal of freckles.—It is absolutely harmless * * * Kintho Mfg. Co., Inc.—46 Chapin Block, Buffalo, N. Y." The large jars of said product were labeled as follows: (On top of jar) "Kintho Beauty Cream—Kintho Mfg. Co.—Buffalo and New York, N. Y." (On label around jar) "Kintho Mfg. Co. Guaranteed by Kintho Mfg. Co. under the Food and Drugs Act, June 30, 1906, Serial Number 5539."

(Label on bottom of jar) "Kintho Beauty Cream Kintho Beauty Cream is for facial use only. For the removal of freckles, pimples, moth patches, and all blemishes of the complexion, including exzema. It Is Absolutely Harmless * * * Made for Kintho Mfg. Co. (Inc.) 46 Chapin Block, Buffalo, N. Y."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed it to contain ammoniated mercury, 14.72 per cent, and bismuth sub-nitrate, 5.78 per cent. The libels alleged that the product, after shipment by the Kintho Manufacturing Co., Buffalo, N. Y., from the State of New York into the State of Minnesota, remained in the original unbroken packages and was misbranded in violation of the Food and Drugs Act of June 30, 1906, and was therefore liable to seizure for confiscation. Misbranding was alleged in each of the libels for the reason that the label on each of said jars containing said product bore a statement regarding the ingredients and substances contained therein which was false and misleading in this, that said "Kintho Beauty Cream" was declared on said label to be absolutely harmless, whereas in truth and in fact it was not harmless, but contained a large quantity of a poisonous substance, to wit, 14 per cent of ammoniated mercury.

On November 20, 1911, the cases coming on for hearing, and no one having appeared as claimant or filed answer to either libel, the court found the product in each case misbranded as alleged in the libels, and entered decrees condemning and forfeiting it to the United States and ordering its complete destruction by the marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 1, 1912.*